

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

September 29, 1998

OFFICE OF
MANAGING DIRECTOR

Mr. Al Lobeck
General Manager
Radio Station WIBW
P.O. Box 1818
Topeka, KN, 66601-1818

DOCKET FILE COPY ORIGINAL

Re: Request for Reconsideration of Regulatory Fee
Fee Control # 9709228835450003
Fee Paid: \$2,000

Dear Mr. Lobeck:

This is in response to your request for reconsideration of the Fiscal Year 1997 regulatory fee for AM Radio Station WIBW, Topeka, Kansas, licensed to Stauffer Communications, Inc. Please excuse our failure to respond to your request in a more timely manner.

You argue that the population attributed to WIBW for calculating its regulatory fee is fallacious and that the station was improperly assessed the same fee as major market stations. You also contend that it is unfair to charge WIBW the full fee, because the station is required to go off the air from 12:30 to 5:30 P.M. each weekday afternoon, so that educational station, KKSU, Manhattan, Kansas can broadcast on the same frequency.

Congress established the total amount of fees that we are to collect for all services for FY 1997 and our fee schedule is formulated to spread the burden of the total fee requirement equitably among the various categories of fee payers, including broadcast licensees. The FY 1997 regulatory fees for all AM stations were derived by calculating the populations within the 0.5 mV/m contour of each individual station, which is their daytime protected service contour. The 0.5 mV/m contour extends beyond and includes populations not within a licensee's primary service area. However, the 0.5 mV/m contour is appropriate for calculating the FY 1997 regulatory fees because that contour represents the area in which listeners receive the station's protected signal. The population relied on to calculate WIBW's regulatory fee, reflects the population located within its daytime protected contour.

We recognize that some broadcasters believe that the city grade contour which each licensee is required to place over its community of license may be a better reflection of the "core" population served by that station, and we have decided to use the city grade contour to calculate FY 1998 radio regulatory fees.

Mr. Al Lobeck

2.

Thus, the FY 1998 fee calculations should more closely reflect the populations which WIBW considers to be within its service area.

We recognize, however, that WIBW goes dark for 5 hours each weekday afternoon. The 25 hours during which WIBW does not broadcast, represents approximately 15% of WIBW's total broadcast week. We will grant WIBW's request to the extent that we will reduce WIBW's FY 1997 regulatory fee by 15% or \$300, which represents the share of broadcast week that WIBW is dark.

Accordingly, a check made payable to the maker of the original check, and drawn in the amount of \$300 will be sent to you at the earliest practical time. If you have any questions concerning the refund, please call the Chief, Fee Section, at (202) 418-1995.

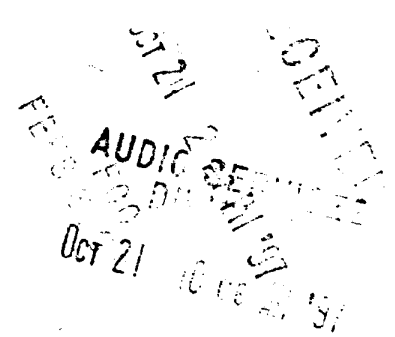
Sincerely,


Mary Reger
Chief Financial Officer

91092780.35450003

RECEIVED
OCT 20 1997
FCC MAIL ROOM

AM 580
WIBW
NEWS • TALK • SPORTS



October 14, 1997

Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: 1997 Regulatory Fees
WIBW (AM) Topeka, KS

Dear Mr. Secretary:

The purpose of this letter is to request reconsideration of the FCC Regulatory Fees charged to WIBW (AM). These fees have been timely paid according to instructions.

WIBW operates at 580 KHz with 5,000 watts, directional at night. The Dataworld, Inc. population estimates project that this station's signal reaches a population area of 5,708,083, thus according to the table of fees, the regulatory fees for WIBW for 1997 were the maximum \$2,000.

The basis for calculating the fees in this manner is fallacious. Anyone with an ounce of knowledge of geography and business sense would quickly realize that WIBW AM should not be required to pay the same amount of regulatory fee as WOR in New York, or any other major market station. WCCO AM in Minneapolis, MN, a 50,000 watt (Class A) clear channel station only is projected as reaching a population of 3,808,013. KTAR AM, Phoenix, AZ, with a realistic market in the area of 2 million, (shown by Dataworld as 3,145,003) is only required to pay a fee of \$1,800.

Whomever came up with this system of calculating population amounts served by AM radio stations is not dealing with reality. WIBW is competitive only with the stations in the Topeka, KS marketplace, and as such should pay a fee that is more comparable to its competitors. To do anything else is discriminatory.

To further enhance the reasons why we feel this fee is unfair, let me explain one further major contributing factor. WIBW AM is required by F.C.C. license to be off

October 14, 1997

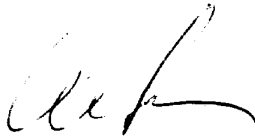
the air each weekday afternoon from 12:30 p.m. to 5:30 p.m. when the 580 frequency is occupied by KKSU, licensed to Manhattan, KS. For five hours a day, during the afternoon, WIBW is forced off the air due to an antiquated share-time policy that should be changed.

To sum up, WIBW is only allowed to broadcast limited hours, and yet is required by an unrealistic projection of service area to pay the highest regulatory fees. WOR can pay their fees out of the sale of one or two commercials. WIBW, on the other hand, must sell eighty commercials to pay the fees. Is this reasonable?

If the fee plan was realistic and equitable, WIBW AM would pay less than the amount that our competitors, who broadcast 24 hours a day, are paying (\$1,600). The fee plan should allow relief for an AM broadcaster who is fighting for survival with one hand tied behind the back such as WIBW AM.

Thank you for your time and consideration of this concern.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Al Lobeck', with a stylized flourish at the end.

Al Lobeck
General Manager
WIBW AM-FM

cc: Mr. Jim Bayes, Wiley, Rein & Fielding

Payment Transactions Detail Report

Date: 11/10/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709228835450003	STAUFFER COMMUNICATIONS INC PO BOX 1818	XXXXXXXXXX	09/17/97

TOPEKA KS 66601

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$3,650.00	\$3,650.00	4	MUB7	1	WBK200	STAUFFER COMMUNICATIONS INC	66601		\$25.00	1	PMT
\$3,650.00	\$3,650.00	1	MGA7	1	WIBW	STAUFFER COMMUNICATIONS INC	66601		\$2,000.00	1	PMT
\$3,650.00	\$3,650.00	2	MGC7	1	WIBWFM	STAUFFER COMMUNICATIONS INC	66601		\$1,600.00	1	PMT
\$3,650.00	\$3,650.00	3	MUB7	1	WRE37	STAUFFER COMMUNICATIONS INC	66601		\$25.00	1	PMT
Total	4								\$3,650.00		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

September 29, 1998

OFFICE OF
MANAGING DIRECTOR

DOCKET FILE COPY ORIGINAL

David E. Hilliard, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

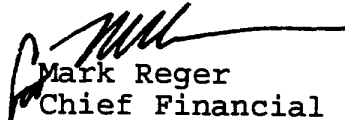
Re: Renewal of Station WNSS890
File No. R204354
Petition for Reconsideration

Dear Mr. Hilliard:

This is in response to your letter of May 15, 1997 on behalf of Walt Disney World Co. (Disney) regarding the renewal of Station WNSS890. It is our understanding that (Disney) has withdrawn its petition for reconsideration of this matter.

The Commission, therefore, is closing its files. If you have any questions, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,


Mark Reger
Chief Financial Officer

4/11/97

070 3038 245239025

THH 5/21/97
→ R.D./ACE

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D.C. 20006
(202) 429-7000

DAVID E. HILLIARD
(202) 429-7058

May 15, 1997

~~CONFIDENTIAL~~ 1st Time
APPROV.
12/2/97

FACSIMILE
(202) 429-7049
DHILLIARD@WRF.COM

Federal Communications Commission
574R/405A Station Renewal
P.O. Box 358245
Pittsburgh, PA 15251-5245

R.D. Make sure CG
Coordinator on
response THH

Re: Renewal of Station WNSS890; File No. R204354
Petition for Reconsideration

Ladies and Gentlemen:

In accordance with Section 1.106(a)(1) of the Commission's Rules, 47 C.F.R. § 1.106(a)(1), Walt Disney World Co. ("Disney") hereby requests reconsideration of the notification issued April 16, 1997, by the Office of Operations informing Disney that its license for station WNSS890 expired on January 8, 1997, and that, because Disney's application for renewal/reinstatement was not received within thirty days of that date, Disney no longer has authority to operate this facility. As discussed in detail below, Disney submitted – and the Commission received – Disney's renewal application within thirty days of the expiration date. As such, Disney submits that the cancellation of the company's operating authority is in error. In addition, as detailed below, Disney hereby requests a waiver of Commission's filing fee requirements as applied to the renewal application to the extent necessary in order to render the date of that filing timely. For these reasons, Disney asks the Office of Operations to reconsider its April 16, 1997, decision and to allow Disney to renew and reinstate its license forthwith.¹

It is correct that Disney's license for station WNSS890 expired on January 8, 1997. On January 28, 1997, Disney forwarded its renewal application to the Commission, through PCIA. Disney's renewal/reinstatement application was received by the FCC on February 4, 1997 – well

¹ Although the \$80 check that accompanied the resubmitted application cleared the bank on March 5, 1997, we are submitting herewith a check payable to the FCC in the amount of \$210. This check includes a fee of \$80 for the attached resubmitted application (fee code PALS) and a fee of \$130 to cover the requested waiver (fee code PDWM).

No record of
the payment
as of 6/19/97
THH

WILEY, REIN & FIELDING

Federal Communications Commission

May 15, 1997

Page 2

within the thirty day period described in Section 90.149(a) of the Commission's Rules, 47 C.F.R. § 90.149(a).²

On February 12, 1997, Disney was notified by the Commission that the company had submitted an incorrect processing fee with its renewal/reinstatement application. Disney's application was accompanied by a check in the amount of \$75.00; the correct filing fee is \$80.00. On February 28, 1997, in accordance with the Commission staff's instructions, Disney resubmitted its renewal/reinstatement application, along with a check in the amount of \$80.00, which was duly cashed by the Commission. Disney then received the notification dated April 16, 1997, that forms the basis of this request for reconsideration, informing Disney that its license had expired and that its application for renewal/reinstatement was not received by the Commission within the thirty day reinstatement period.³ The notification further indicates that, "[s]ince your renewal submission is not in compliance with the rules, you do not have operating authority."

As the foregoing discussion demonstrates, Disney's renewal/reinstatement application was filed with the Commission within the thirty day period mentioned in Section 90.149(a). In Disney's view, the company's failure to include the correct fee amount did not render the originally filed renewal/reinstatement application defective so as to warrant its dismissal under Part 90 rules and policies.⁴

² In relevant part, Section 90.149(a) states that "[l]icensees shall have an additional thirty (30) days after the expiration of the license term to apply for reinstatement of expired licenses." Disney's renewal request is resubmitted as "Attachment 1." The same form (FCC Form 405A) is employed for renewal and for reinstatement and the fee is the same. Although originally marked "renewal," Disney respectfully asks that it be treated as a request for reinstatement given the timing of its submittal.

³ Had the January filing simply been processed, the application would have been contingent upon the receipt of the correct fee plus a penalty of 25% of the amount due and subject to rescission, if the penalty and unpaid amount were not paid. 47 C.F.R. § 1.1116(b).

⁴ See 47 C.F.R. § 90.139(b) (describing defects that warrant dismissal of a Part 90 application); cf. 47 C.F.R. § 21.20(b)(2) (expressly providing for the dismissal of Part 21 applications submitted with an insufficient filing fee). Counsel has inquired of Disney personnel as to whether the company received a notice from the Commission of the upcoming expiration of the license for WNSS890, which notice presumably would have indicated the \$80 filing fee. Insofar as can be determined, no such notice was received. Any such notice would likely have gone to the P.O. Box 10000 mailing address and could have been misrouted internally within an organization having thousands of employees. Disney understands, however, that it is responsible

(Continued...)

WILEY, REIN & FIELDING

Federal Communications Commission

May 15, 1997

Page 3

Although Section 1.1116(a)(2) of the Commission's Rules, 47 C.F.R. § 1.1116(a)(2), provides, subject to an exception not relevant here, that, for purposes of determining whether a filing accompanied by an improper fee is timely filed, "the date of resubmission with the correct fee will be considered the date of filing," Disney hereby requests waiver and/or reconsideration of the enforcement of this provision in accordance with Section 1.1117(a) of the rules. Section 1.1117(a) states that the Commission's application fees "may be waived or deferred in specific instances where good cause is shown and where waiver or deferral of the fee would promote the public interest."⁵

Disney submits that good cause for deferral of the fee requirement exists here because the company made a good faith effort to submit its renewal/reinstatement application in a timely manner. In such circumstances – and where the correct fee has in fact been submitted – a \$5.00 error in the original fee submitted should not result in the loss of Disney's operating authority. In addition, the public interest will be served by deferring the fee requirement and/or waiving enforcement of Section 1.1116(a)(2) so as to make the submission of Disney's application for renewal/reinstatement timely because the company uses the radio station facilities in question to provide essential internal communications in the operation of hospitality facilities at Walt Disney World. In this role, station WNSS890 has been used to support facilities maintenance (e.g. electrical, plumbing, landscaping, and pest control) and guest services. These operations have heretofore contributed to the safe and efficient operation of a major family entertainment destination resort.⁶

In short, for the foregoing reasons, Disney asks the Office of Operations to reconsider its notification dated April 16, 1997, indicating that Disney no longer has authority to operate station WNSS890. In conjunction with the filing of this request for reconsideration, Disney is filing a request for Special Temporary Authority (STA") to permit the company to operate

(...Continued)

for the submittal of renewal applications and that it bears the obligation of keeping the Commission informed of the correct mailing address.

⁵ 47 C.F.R. § 1.1117(a). In accordance with Section 1.1117(c), a copy of this Petition for Reconsideration has been forwarded to the Managing Director's office.

⁶ According to Disney personnel, the WNSS890 facilities were turned off following notification that the authorization is no longer valid, a development that has caused some difficulty in the operations previously supported by this radio station.

WILEY, REIN & FIELDING

Federal Communications Commission

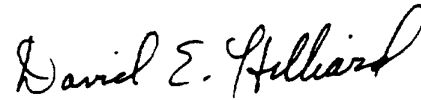
May 15, 1997

Page 4

station WNSS890 in accordance with the technical parameters set forth in Disney's license while this request for reconsideration is pending.

If you have any questions, please call me at the number listed above. Karen Kincaid of our firm is also available to assist you in this matter. Her telephone number is (202) 828-4452.

Respectfully submitted,



David E. Hilliard
Karen A. Kincaid
Wiley, Rein & Fielding

Counsel for Walt Disney World Co.

Attachment

cc: Office of the Managing Director (w/ attachment)

FCC 405A

Approved by OMB
3060-0107
Expires 5/31/96
See instructions for
public burden estimate

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

FCC/MELLO

MAR 03 1997

FCC
USE
ONLY

PRIVATE RADIO APPLICATION
FOR RENEWAL, REINSTATEMENT AND/OR NOTIFICATION
OF CHANGE TO LICENSE INFORMATION

1. APPLICANT NAME

Walt Disney World Co.

2. MAILING ADDRESS (Line 1)

P.O. Box 10,000

MAILING ADDRESS (Line 2)

3. CITY

Lake Buena Vista

4. STATE
FL5. ZIP CODE
32830-10006. CALL SIGN OR OTHER
FCC IDENTIFIER

WNSS890

7. FEE TYPE CODE

8. FEE MULTIPLE

9. FEE DUE

FOR FCC USE ONLY

P

A

L

S

\$

10. PURPOSE

☒ RENEW LICENSE (FEE MAY BE REQUIRED)☐ REINSTATE LAND MOBILE LICENSE
(FEE MAY BE REQUIRED)☐ NOTIFICATION OF NAME CHANGE WITHOUT CHANGE
IN OWNERSHIP, CORPORATE STRUCTURE OR ENTITY
(NO FEE REQUIRED)
FORMER NAME OF LICENSEE☐ LAND MOBILE NOTIFICATION OF CHANGE IN THE
NUMBER OF MOBILES/PAGERS (SEE INSTRUCTION C)
(FEE MAY BE REQUIRED)☐ NOTIFICATION OF MAILING ADDRESS CHANGE
(NO FEE REQUIRED)☐ NOTIFICATION OF STATION CLOSURE,
CANCEL LICENSE LISTED IN ITEM 6
(NO FEE REQUIRED)☐ LAND MOBILE NOTIFICATION OF CONDITIONAL
CANCELLATION FOR CONVERSION TO PRIVATE
CARRIER, (NO FEE REQUIRED) CANCEL THE
FOLLOWING LICENSES:

11. RADIO SERVICE

GB

12. LOCATION OF TRANSMITTER(S). (GIVE DESCRIPTION OF LOCATION SUCH AS STREET,
CITY, STATE, COORDINATES, ETC.)

13. FILE NUMBER

9111564665

14. CLASS OF STATION(S)

FB2C/MQ/FX1

CERTIFICATION

- Applicant waives all claims for the use of any specific frequency regardless of prior use by license or otherwise.
- Applicant will have unlimited access to the radio equipment and will control access to exclude unauthorized persons.
- Neither applicant nor any member thereof is a foreign government or representative thereof.
- Applicant certifies that all statements made in this application and attachments are true, complete, correct and made in good faith.
- The individual signing this application certifies that he or she is a person with the proper authority to sign on behalf of the applicant, as stated in C.F.R., Title 47, Section 1.913.
- By checking YES, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits, that includes FCC benefits, pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☒ YES ☐ NO Failure to check "YES" may result in dismissal of your application.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(A)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

SIGNATURE *John H. H. H.*

DATE 3/21/97

FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEE PAID

Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

**RENEWAL APPLICATION RETURN NOTICE FOR
PRIVATE LAND MOBILE AND GENERAL MOBILE RADIO SERVICES**

WALT DISNE
PO BOX 10000
LAKE BUENA VISTA FL 32830-1000

Reply To: CVR

Date: 4/16/97

Radio Service:

Call Sign/File Number: WNSS890/R204354

Your application(s) is returned for reason(s) indicated. Please make the appropriate changes, supply the required information, and resubmit your application(s) with this return notice and ALL ATTACHMENTS to the appropriate address. If you have any questions concerning this notice, contact our Consumer Assistance Branch at (800) 322-1117 or (717) 338-2500.

Your license expired 1/8/97 and your application for renewal was not received by the Commission within the 30 day reinstatement period. Since your renewal submission is not in compliance with the Rules, YOU DO NOT HAVE OPERATING AUTHORITY. You must file FCC Form 600 for a station license and obtain frequency coordination in accordance with Rule 90.175 if required.

800/900 MHZ BUSINESS AND 900 MHZ PAGING
Personal Communications Industry Assoc (PCIA)
Attn: Frequency Coordination Dept
Suite 700
500 Montgomery Street
Alexandria, VA 22314-1561
703-739-0300
800-759-0300

INSTRUCTIONS FOR RESUBMITTING APPLICATION

All resubmissions MUST include the Renewal Application Return Notice and your FCC 574R or 405A application. Your resubmission package MUST be received within 60 days of the date on this return notice. If your resubmitted package is received within this time period, it will be put in its original place in the processing line. If not received within this 60 day period, it will be considered a new filing and will require a new fee.

If you are resubmitting your amended renewal application FCC 574R or 405A, or FCC 574 or 600 that does not require frequency coordination, the entire application package should be mailed to the address at the top of this notice.

If you are filing FCC 574 or 600 and require frequency coordination in accordance with Rule 90.175, mail your application package to the appropriate frequency coordinator as indicated in this notice.

FCC 574N
March 1996



Writer's Direct Line:
(407) 828-5522

February 28, 1997

VIA EXPRESS MAIL TB244122890

Federal Communications Commission
574R/405A Station Renewal
P. O. Box 358245
Pittsburgh, PA 15251-5245

RE: Frequency - 852/807.8125
Call Sign - WNSS890

Gentlemen:

Enclosed please find check number 4395990 in the amount of \$80.00 for renewal of the above referenced private radio renewal, replacing check 4385675 which was for the wrong amount, and as you requested, a newly signed original application.

Should you have questions or comments, please feel free to contact me at 407-828-5522.

Sincerely,

Tracy L. Bellanger
Paralegal

TLB/kb
Enclosure
cc: Ron Lindsey
Randy Lord
Carol Pacula

ROUTING AND TRANSMITTAL SLIP

Date

5/21/97

Cef. 6

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1. FOD/BCB

2.

3.

4.

5.

X	Action	File	Note and Return
	Approval	For Clearance	Per Conversation
	As Requested	For Correction	Prepare Reply
	Circulate	For Your Information	See Me
	Comment	Investigate	Signature
	Coordination	Justify	

REMARKS

FEE Refund for: WALT DISNEY WORLD CO.
(WNSS890) - PETITION FOR
RECONSIDERATION - DAVID HILLIARD
REPRESENTING

(SEE MR'S NOTE FOR
COORDINATION WITH WTB ON
RESPONSE).

DO NOT use this form as a RECORD of approvals,concurrences,disposals
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Tom Holleran

[Signature]

Room No-Bldg.

848

Phone

418-1925

5041-102

* U.S. GPO:

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA

FPMR (41 CFR) 101-11.206

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

September 15, 1998

OFFICE OF
MANAGING DIRECTOR

Ms. Kathleen Greenfield
Board Chairman
World Voice of Historic
Adventism, Inc.
1701 Robie Avenue
Mount Dora, FL 32757

DOCKET FILE COPY ORIGINAL

Re: Request for Waiver of Regulatory
Fees

Dear Ms. Greenfield;

This is in response to your request for a waiver of the annual regulatory fees. The Commission's records indicate that World Voice of Historic Adventism, Inc. (WVHA) is the licensee of a broadcast auxiliary license. You assert that WVHA is a nonprofit entity, and that you have been operating at loss. Please excuse our failure to respond to your request in a more timely manner.

In establishing the regulatory fee program, Congress provided an exemption from the fee requirements for nonprofit entities. 47 U.S.C. § 159(h). In reconsidering the rules implementing the fee program, Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759 (1995), the Commission amended Section 1.1162(c) of the Rules, 47 C.F.R. § 1.1162(c), to exempt from regulatory fees:

. . . an organization duly qualified as a nonprofit, tax exempt entity . . . or an entity with current certification as a nonprofit corporation or other nonprofit entity by a state or other governmental authority.

WVHA can establish a basis for an exemption as a nonprofit entity by filing appropriate documentation.

In addition, in establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a radio station's cash flow, as opposed to its profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee, without impacting on the ability of the station to provide service.

In the absence of appropriate documentation, you have failed to establish either a compelling case of financial hardship or that WHVA qualifies as a nonprofit entity exempt from the regulatory fees. Therefore, your request for waiver of WHVA's regulatory fees is dismissed.

Accordingly, WVHA's Fiscal Year 1996 regulatory fee of \$35 and its Fiscal Year 1997 regulatory fee of \$25 are now due. The aggregate fee of \$60 should be filed with the Form FCC 159 (copy enclosed) within 30 days from the date of this letter. However, in view of your allegations that WVHA is a nonprofit entity and is operating at a deficit, in the alternative, you may refile WVHA's request together with appropriate documentation supporting either an exemption or a waiver of the regulatory fees, within 30 days from the date of this letter.

If you have any question concerning the regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,


for Mark Reger
Chief Financial Officer

Enclosure



World Voice of Historic Adventism, Inc.

00000000-7-134

Business Address:

1701 Roble Avenue, Mount Dora, FL 32757

Telephone: (352) 735-1844

Fax: (352) 735-4055

Shipping Address:

Towers Road

P. O. Box A, Olamont, ME 04467 U.S.A.

Telephone: (207) 732-9842

Fax: (207) 732-5475

Jerry

Thursday October 17, 1996

The Managing Director
FCC.
1919 M Street NW, Room 852
Washington, DC. 20554

mailing state

97-25

96-935

Re: WVHA for waiver request and defer payment

Dear Sir:

WVHA has been in operation since January of 1995. The past several months Prophecy Countdown/WVHA have been experiencing severe financial difficulty. WVHA is a nonprofit, non-revenue producing station, and Prophecy Countdown also a nonprofit entity is the guarantor for WVHA's lease and also its primary source of support. Both Prophecy Countdown and WVHA rely upon donations from their members which come in the form of sacrificial offerings of the church. We have been operating at approximately \$100,000 per month deficit the since the beginning of the year.

Right now we have three options we are working on.

1. We are currently in the process of refinancing WVHA to be able to better afford its operations.
2. We have also placed the station on the market for sale should we be unsuccessful in refinancing.
3. Additionally we are working on a possible joint effort with four other Seventh-day Adventist ministries to broadcast over WVHA thereby generating support for the station.

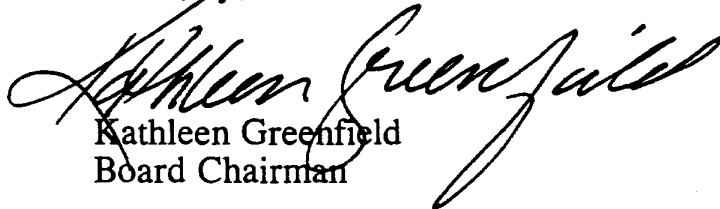
Needless to say we must stay on the air and have our frequencies in place to be able to sell the station or airtime.

FCC
October 17, 1996
Page 2

It would be an additional financial hardship to us to pay in advance for these frequencies. We would ask first that the Commission waive the fees for this season, and secondly that you defer the payment if not entirely waived, thereby enabling us to pay upon sale of the station or receipt of funds from refinancing or sale of airtime.

If I should need to supply any additional information please contact me via phone at 800-447-5683 or fax 352-735-3619.

Sincerely,



Kathleen Greenfield
Board Chairman

W - 96 Schedule

<u>Frequency</u>	<u>TIME [UTC]</u>	<u>AZIM [DEG]</u>	<u>ZONES</u>
5850	2200-0200	45/90	27-29, 37, 38
7465	0200-0500	"	
7405	0500-0900	"	
13825	0900-1300	"	
15745	1300-1800	"	
11580	1800-1900	"	
9930	1900-2200	"	